

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8630 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KAMINI K DODIYA

Versus

PRINCIPAL, SHREE RANG SHIKSHAN MAHA VIDYALAYA

Appearance:

MR RC JANI, Advocate, for Petitioner
MR RR VAKIL, Advocate, for Respondents.

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 04/05/96

ORAL JUDGEMENT

This Special Civil Application has been filed seeking direction to quash and set aside the order dated 4-10-1995 Annexure 'A', whereby the petitioner's admission to B.Ed. Course has been cancelled.

2. The petitioner passed B.A. Examination in April 1994 and thereafter she applied for admission to B.Ed. Course in February 1995. The petitioner was admitted to

B.Ed. Course in July 1995 against 90% seats reserved for the students belonging to South Gujarat University . It came to notice of the respondents university that she has obtained admission concealing the material fact that at the time of admission she was a student of M.S. University, Baroda and not of the South Gujarat University. This fact revealed when she was asked to produce Transfer Certificate(TC). Instead of Transfer Certificate, she produced provisional eligibility certificate along with the letter Annexure 'F'. It is evident from the said letter that she was admitted to M.A. Part First for the Session 1994-95 with the M.S. University, as such she had submitted the Transfer Certificate to M.S. University.

3. It is not in dispute that 90% seats are reserved for students of South Gujarat University. As she was admitted to M.S. University in Session 1994-95 she being the student of that University could not have been considered as a student of South Gujarat University in the next Session i.e. 1995-96. The things would have been different if it was a case of same session. It has been stated that she does not stand in merit within zone of 10%. On account of this admitted fact, the petitioner's admission has been rightly cancelled by the impugned order. In view of this glaring fact the contention of Mr. Jani that the impugned order is not a speaking order is not sustainable.

5. Considering the facts of the case, I do not find any merit in the Special Civil Application and the same is accordingly rejected. Rule discharged.